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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ELGIZOLI AHMED,)	No. C 07-06278 SI
)	
Plaintiff,)	
)	
v.)	
)	
MICHAEL MUKASEY, in his official)	JOINT CASE MANAGEMENT
capacity as Attorney General of the United)	STATEMENT; PROPOSED ORDER
States; et al,)	
)	
Defendants.)	

1. Jurisdiction and Service: There are no issues concerning personal jurisdiction or venue. Plaintiffs brought this Complaint under 28 U.S.C. §§ 1331 and 1361, the Administrative Procedure Act, and 8 U.S.C. §§ 1421 and 1447(b). All parties have been served.

2. Facts: In December 2005, Plaintiff applied for naturalization. On April 17, 2006, Plaintiff was interviewed by the U.S. Citizenship and Immigration Services. Plaintiff's name check is still pending with the Federal Bureau of Investigation.

3. Legal Issues: The principal legal issue the parties dispute is whether the Court should render a decision on his naturalization application in the absence of a completed name check.

4. Motions: None.

5. Amendment of Pleadings: None.

6. Evidence Preservation: None.

7. Disclosures: The parties agree that this Court's review will be confined to the administrative record and therefore this proceeding is exempt from the initial disclosure requirements under Fed. R. Civ. P. 26.

8. Discovery: There has been no discovery to date and the parties believe this matter can be resolved without discovery. No experts will be designated.

9. Class Actions: Not applicable.

10. Related Cases: None.

11. Relief: Plaintiff asks that the Court hear his case and render a declaratory judgment that he is entitled to be naturalized and ask for an award of attorneys' fees. This case does not involve damages.

12. Settlement and ADR: The Court granted the parties' Request to Be Exempt From Formal ADR on March 13, 2008.

13. Consent to Magistrate Judge for All Purposes: Defendants declined assignment of this case to a United States Magistrate Judge.

14. Other References: None.

15. Narrowing of Issues: None.

16. Expedited Schedule: The parties believe this matter can be solved through motions.

17. Scheduling: The parties suggest the following dates:

Respondents' Motion to Remand: June 6, 2008

Petitioner's Opposition: June 20, 2008

Respondents' Reply: June 27, 2008

Hearing: July 11, 2008 at 9:00 a.m.¹

18. Trial: Should the Court deny the motion to remand, the parties request the court to schedule a further case management conference to schedule a hearing date on Plaintiff's application for naturalization.

¹Defendants' counsel is scheduled to begin a trial before Judge Armstrong on June 2, 2008, which is anticipated to take much of June and necessitates this later briefing schedule and hearing date.

19. Disclosure of Non-party Interested Entities or Persons: None.

20. Such other matters as may facilitate the just, speedy and inexpensive disposition of this matter: None.

Dated: April 11, 2008

Respectfully submitted,

JOSEPH P. RUSSONIELLO
United States Attorney

/s/
MELANIE L. PROCTOR²
Assistant United States Attorney
Attorneys for Defendants

Dated: April 10, 2008

/s/
ERICH KEEFE
Attorney for Plaintiff

CASE MANAGEMENT ORDER

The Joint Case Management Statement and Proposed Order are hereby adopted by the Court as the Case Management Order for the case, and the parties are ordered to comply with this Order

Dated:

SUSAN ILLSTON
United States District Judge

²I, Melanie L. Proctor, hereby attest that I have on file all holograph signatures for any signatures indicated by a “conformed” signature (/S/) within this efiled document.